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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Allied World National Assurance Company,

No. CV-23-01794-PHX-ROS

10 Plaintiff,

ORDER

11 v.

12 Collin Reeves, et al.,

13 Defendants.
14

15 Before the Court is a Motion to Consolidate Cases from Defendants Zoe Torres,
16 Christopher Dillard, and Shannon Dillard (the “Moving Defendants”). (Doc. 77). The
17 Moving Defendants argue this case should be consolidated with *XL Insurance America,*
18 *Inc. v. Reeves et al.*, No. 2-25-cv-00017-DJH (hereafter “*XL Insurance America*”), where
19 the Moving Defendants have filed a similar motion. (*XL Insurance America* at Doc. 25).
20 Plaintiff Allied World National Assurance Company (“Allied World”) and XL Insurance
21 America Incorporated (“XL”) have responded in both cases stating they do not oppose
22 consolidation. (Docs. 78; 79; *XL Insurance America* at Docs. 31; 32).

23 Rule 42(a)(2) of the Federal Rules of Civil Procedure states if an action before the
24 court “involves a common question of law or fact” the court may consolidate the actions.
25 Fed. R. Civ. P. 42(a)(2). District courts have “broad discretion” under Rule 42 “to
26 consolidate cases pending in the same district.” *Invs. Research Co. v. U.S. Dist. Ct. for*
27 *Cent. Dist. of Cal.*, 877 F.2d 777, 777 (9th Cir. 1989). District courts should also construe
28 and administer the Federal Rules of Civil Procedure “to secure the just, speedy, and
inexpensive determination of every action and proceeding.” Fed. R. Civ. P. 1. Local Rules

1 provide several factors that may be considered in determining the judge to whom the case
 2 or cases will be assigned, including: “(1) whether substantive matters have been considered
 3 in a case; (2) which Judge has the most familiarity with the issues involved in the cases;
 4 (3) whether a case is reasonably viewed as the lead or principal case; or (4) any other factor
 5 serving the interest of judicial economy.” LRCiv 42.1(d).

6 Allied World and XL seek declaratory judgements against identical defendants
 7 regarding insurance rights arising from the same accident, which strongly supports
 8 consolidation. The Court acknowledges it has already ruled on some substantive matters
 9 by deciding Arizona law applies to the Allied World-issued Commercial Umbrella
 10 Liability policy no. 0306-9798 (“Allied World Policy”) in this case. (*See* Doc. 68). In its
 11 Complaint, XL notes its disagreement with this ruling and argues Texas law should govern
 12 the interpretation, application, and enforcement of the XL-issued Following Form Excess
 13 Liability Policy number US00086418LI18A (“XL Excess Policy”) in its case. (*See XL*
 14 *Insurance America* at Doc. 1 at ¶ 47). However, neither Allied World nor XL have opposed
 15 consolidating these cases. The parties will have an opportunity to brief the choice of law
 16 issues with respect to the XL Excess Policy and that does not appear to be a reason to
 17 decline consolidation of these cases.

18 Allied World filed this matter before *XL Insurance America*. Thus, this case is
 19 “reasonably viewed as the lead or principal case.” LRCiv 42.1(d)(3). Given the above,
 20 the Court finds consolidation and assigning the consolidated case to this Court is proper.
 21 See Fed. R. Civ. P. 42(a); *Hall v. Medicis Pharm. Corp.*, 2009 WL 648626, at *2 (D. Ariz.
 22 Mar. 11, 2009) (citing LRCiv 42.1) (assigning consolidated cases to the court who
 23 considered the motion for consolidation and was assigned the case that was filed first).

24 Accordingly,

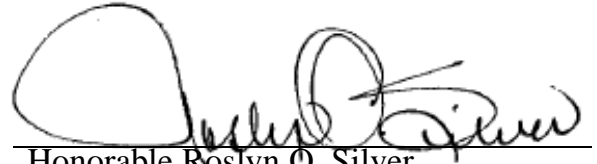
25 **IT IS ORDERED** that the Moving Defendants’ Motion to Consolidate Cases (Doc.
 26 77) is **GRANTED**.

27 **IT IS FURTHER ORDERED** that the Clerk of Court shall consolidate these two
 28 matters: *XL Insurance America, Inc. v. Reeves et al.*, No. 2-25-cv-00017-DJH and *Allied*

1 *World National Assurance Company v. Reeves et al.*, 3:23-cv-01794-ROS, under the case
2 number 3:23-cv-01794-ROS.

3 **IT IS FURTHER ORDERED** all future filings pertaining to these cases shall be
4 filed in *Allied World National Assurance Company v. Reeves et al.*, 3:23-cv-01794-ROS.

5 Dated this 25th day of March, 2025.

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8 
9 Honorable Roslyn O. Silver
Senior United States District Judge